

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR-23-192-G
)	
JIU BING LIN,)	
a/k/a Jack Lin,)	
)	
Defendant.)	

ORDER

Now before the Court is Defendant Jiu Bing Lin’s Motion to Dismiss Under the Commerce Clause (Doc. No. 132). The Government has filed a Response (Doc. No. 145).

In his Motion, Defendant argues that the Controlled Substances Act (“CSA”), 21 U.S.C. §§ 801 et seq., as applied in this proceeding, exceeds the authority of the federal government under the Commerce Clause. *See* Def.’s Mot. at 1; U.S. Const. art. I, § 8, cl. 3. Specifically, Defendant argues that the prohibition of marijuana cultivation and distribution within the State of Oklahoma is not necessary or proper to the federal government’s regulation of interstate marijuana trafficking (or interstate commerce generally). *See* Def.’s Mot. at 2. In its Response, the Government cites binding authority of the Supreme Court foreclosing Defendant’s argument and, further, notes that this case

involves allegations that Defendant engaged in out-of-state sales of marijuana grown in Oklahoma. *See* Gov’t’s Resp. at 2 (citing *Gonzales v. Raich*, 545 U.S. 1 (2005)).¹

As the parties recognize, applicable and binding precedent impels that Defendant’s Motion be denied. In *Raich*, the Supreme Court held that Congress’s regulation of marijuana production for intrastate medicinal purposes “is squarely within Congress’ commerce power because production of the commodity meant for home consumption . . . has a substantial effect on supply and demand in the national market for that commodity.” *Raich*, 545 U.S. at 19.

CONCLUSION

For the reasons explained above, Defendant Jiu Bing Lin’s Motion to Dismiss Under the Commerce Clause (Doc. No. 132) is DENIED.

IT IS SO ORDERED this 8th day of December, 2024.



CHARLES B. GOODWIN
United States District Judge

¹ Defendant acknowledges that his position is contrary to *Raich* but states that he submits this Motion to preserve the issue.